

TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Thursday, November 20, 2014

33 Beaver Street

COMMISSION HEARING ROOM, 19TH FLOOR

BOROUGH OF MANHATTAN

Reported by:
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Taxi and Limousine Commission Meeting
November 20, 2014

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HEARING CONVENED AT 10:26 a.m.

COMMISSIONERS PRESENT:

Meera Joshi, Chair

Elias Arout

Frank Carone

Edward Gonzales

Lauvienska Polanco

Jacques Jiha

LaShann DeArcy

ALSO PRESENT:

Chris Wilson, General Counsel

Christopher Tormey, Director of Applicant Licensing

Staff

The Public

The Press

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THE CHAIR: Good morning. The time is 10:25 and we're going to start our Public Meeting of the New York City Taxi & Limousine Commission. I'm going to start with a few updates.

Almost two months ago, or was it a month ago, we did a -- the Commission approved a pilot to allow licensed commuter vans to place decals on the side so that the public could more easily discern unlicensed commuter vans from licensed commuter vans. It was approved at the August Commission Meeting, and since that time, we've signed MOUs with 12 commuter van authorities and have several more authorities going through the approval process. Collectively, the 12 current participants have affiliated over 130 commuter vans; so that means 130 commuter vans that will bear the New York City commute decal.

Several commuter vans have already been affixed with the pilot decals. The first several decals were installed last

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week. We hope to keep the installation rolling and have these decals affixed on all of our participant vehicles as soon as possible. As more and more operators affix the new decal, the public will gain a new and clearer way to identify a licensed commuter van. Education is only one aspect of commuter bringing legal licensed commuter van service to all parts of New York City.

As the tragic events of this week show, unlicensed van activity is dangerous and can be deadly. So we're increasing our enforcement efforts together with the NYPD, are doing regular van operations to get unlicensed vans off the street. And I'd like to thank Chief Chan, the NYPD, for his personal commitment to this effort.

Also, I'd like to remind everyone on November 7th, the speed limit was reduced to 25 miles an hour, the City's new default speed limit. It will benefit our licensees in a number of ways: It will create a safer work environment for them all, and

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everyone deserves a safe work environment, but it will also help both passengers and drivers understand the shared responsibility of putting to an end traffic deaths and injuries. As I've said many times before, I urge passengers to tip for safety. With everyone doing their part, we can save lives and reach the goals of Vision Zero.

I'm also pleased to announce that in November, Mayor de Blasio signed a Taxi and Livery Driver Protection Act on November 5th. This new law will allow taxis, liveries, commuter vans, and paratransits to display signage clearly stating the consequences for assaulting a TLC licensed driver. If even one potential predator is deterred by one of those decals, it will have done its job, but I believe it will work far better than that. I'd like to thank all the industry groups who fought tirelessly to get this law passed. I would also like to thank the Bill's sponsor, Council Member

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Rory Lancman, and Chairman Ydanis Rodriguez and Speaker Mark Negrido for their efforts in making this Bill a reality.

But last but not least, I'd like to thank the Mayor on behalf of the entire industry for signing the Bill into law. I know our driver's appreciate it.

And last, we have three updates on TLC personnel. First: Our medallion expert, Stan Shamus, spent his final day at TLC this past Tuesday to enter the well-deserved business of retirement. Stan has handled countless, tens of thousands of medallion transfers over the course of his 36-year career at TLC, and he was not paid commission on any of those transfers. He has -- he is probably the only person in New York City with such a vast knowledge of the medallion transfer sale process. There's probably no one else on this earth, actually, that's handled more medallion transfers than Stan. Although he couldn't be with us today -- I think his wife has him repainting the bathroom, or fixing a

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fan, it was one of the two -- I just want to publicly thank him for his many years of dedicated services to the TLC and his good humor, and to the industries we serve. We're sad to see him go, but wish him all the best in retirement.

Now, we had another long-time departure this month as well, our, Deputy Director of Personnel, David Pearlmutter, who spent the last 11 years with us. And if you don't know David, he was the TLC's behind-the-scenes personnel guru and was instrumental in getting more boots on the ground for the Agency. He played a key role processing the latest classes of TLC inspectors, giving the TLC a strong presence on the streets, protecting the industries that we regulate. I want to thank David for his years of dedicated service to the TLC and wish him the best of luck in his new position with the Department of Citywide Administrative Services.

And finally, something that brings

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real pride to the Commission is acknowledging extraordinary news that we got last week about our friend and colleague, LaShann DeArcy. Commissioner DeArcy has been nominated by President Barack Obama with the enthusiastic support of Senator Kirsten Gillibrand to serve as U.S. District Court Judge for the Eastern District. It's an incredible opportunity for her and we couldn't be happier. You will bring to the bench the sense of integrity and fairness and piercing intelligence that we've come to know as your hallmarks in the few short years we've been so blessed to have you by our side. Congratulations, Commissioner DeArcy.

(Applause.)

THE CHAIR: Next, I'd like to move to to adoption of the October, 2014 Commission Meeting minutes.

All in favor of adopting the minutes?

(Chorus of Ayes.)

THE CHAIR: With that, the minutes

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are adopted and we move on to base applications. And Chris Tormey will present.

MR. TORMEY: Good morning. My name is Chris Tormey, Director of Applicant Licensing for the Taxi and Limousine Commission.

This month we have 10 bases for your approval.

THE CHAIR: All in favor of adopting Chris Tormey's report.

(Chorus of Ayes.)

MR. TORMEY: Thank you.

THE CHAIR: And with that, the bases are approved.

Next on our agenda is a vote on base accountability rules and Chris Wilson will describe the rules.

MR. WILSON: Okay. The rules are subject to a Public Hearing last month. This morning, the first action of business is that the rules were -- the final rules for Commission action were actually distributed to Commissioners and posted on

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the website on November 17th as required. Since that date, it's proposed to make three changes to the rules, which I will read, and then assuming those changes are approved unanimously by the Commissioners, we'll move forward for a vote.

The first change is to change the second bullet in the statement of basis and purpose to read, "Prohibit dispatching a vehicle affiliated with a base with a different type of base license; i.e., a livery fund based dispatching to a vehicle affiliated with a black car base".

The second change is to change Section 59A-11-E-3-2 to read as follows: "The dispatching base informs the customer that the vehicle is from another base by providing the customer with a name and license number of both the affiliated base and the dispatching base, clearly identifying which base is the affiliated base and which base is the dispatching base in all communications with the customer and any materials or receipts provided to the

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customer, and the affiliated base is a base of the same license type; that is a black car base or livery base as the base dispatching the vehicle."

And the third and final change proposed is to Section 59B-17-D-1. So it would read as follows: The vehicle is affiliated with another base of the same license type as the base owners base, i.e., a black car base may only dispatch a vehicle affiliated with another black car base. A livery fund base may only dispatch a vehicle affiliated with another livery fund base. And the owner provides the customer with the name and license number of both the affiliated base and the dispatching base, clearly identifying which base is the affiliated base and which base is the dispatching base in all communications with the customer and any materials or receipts provided to the customer."

So if those changes are acceptable to the Commissioner's, all in favor.

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(Chorus of Ayes.)

MR. WILSON: It's unanimous. So those three changes pass.

So we will now submit for a vote to the Commissioner's, the dispatch rules as so modified: These rules require FHB bases to submit records to the TLC. They prohibit dispatching of vehicle affiliated with a different class of FHB bases. They require bases that are members of the black car fund and the billing collect the surcharge for that fund for every month. They require bases dispatching vehicles from a different base to provide the customer with the name and license number of the base, and with which the dispatch car is affiliated and they establish a violation of failing to comply with certain portions of the new rule. The rules were originally published in the City record on September 16th with a comment deadline of October 16th. At that time, over 500 comments were received. Based on feedback and prior to the Hearing on the 16th, the

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staff recommended the rule be amended to clarify responsibility of the base dispatching fully inspected vehicle rests with the base dispatching the vehicle, and we also modified the statement of bases and purpose accordingly.

We held a Public Hearing on these rules on October 16th, 2014. Following that Hearing, further additional changes were proposed by the Staff, specifically the requirement that a base had an agreement to dispatch a driver of a vehicle affiliated with a different base was eliminated, and changes were made to rules 59B-28B and 59B-29 concerning vehicle identification and vehicle markings to make clear the responsibility for proper vehicle identification marking was on the dispatching base, not the affiliated base.

As local law requires, the final rules for Commission action were posted on the Commission's website on November 17th and sent to the Commissioner's on that date. And then following that, the

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Commissioner's have just voted unanimously to make the three changes to the rules, which I read into the record.

So I think we're ready for a vote. All in favor.

(Chorus of Ayes.)

MR. WILSON: It's a unanimous vote.

COMM. POLANCO: I just want to make a clarification. I know there was some concerns raised at the last hearing regarding, especially with livery bases, whether if they are dispatched from an affiliated base, that they will not be covered under the Independent Livery Base Benefit Fund, unless I'm mistaken. And you were so kind to research this issue. And basically, my understanding based on what you've given me, is that on the New York State Executive Law, which created the Independent Livery Driver Benefit Fund, the law states that it provides coverage to all dispatches that are made from a livery base. It doesn't distinguish whether the livery base is affiliated with the driver

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or is not. If the driver -- I know that the coverage itself is very limited, only catastrophic injuries or death, but if that driver gets dispatched from any livery base, it's covered under the Executive Law, although under the Livery Benefit Fund, it's more restricted or limited, which is contrary to the Executive Law itself.

Is that my understanding based on what you've given me?

MR. WILSON: Yes, that's correct.

COMM. POLANCO: I just wanted to make it -- and put it on the record.

MR. WILSON: I don't know that's it's contrary, but it is more limited than the law itself would permit.

COMM. POLANCO: Okay. I just wanted to put it in the record. Thank you.

THE CHAIR: All right. With that, with no more business before us, we can adjourn. And the time now is 10:00 -- let's say 10:40. Thank you.

(Time noted: 10:40 a.m.)

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<p style="text-align: center;">A</p> <p>a.m (2) 2:2 15:24 ability (1) 16:13 acceptable (1) 11:24 accountability (1) 9:18 acknowledging (1) 8:3 Act (1) 5:13 action (4) 9:22,24 13:22 16:15 activity (1) 4:13 additional (1) 13:10 adjourn (1) 15:22 Administrative (1) 7:23 adopted (1) 9:2 adopting (2) 8:22 9:11 adoption (1) 8:20 affiliated (17) 3:19 10:11,14,20,22 11:2,9,12,14,17,19 12:9,18 13:14 13:20 14:14,25 affix (1) 4:5 affixed (2) 3:24 4:3 Agency (1) 7:15 agenda (1) 9:17 ago (2) 3:7,8 agreement (1) 13:13 allow (2) 3:9 5:14 amended (1) 13:2 announce (1) 5:11 Applause (1) 8:18 Applicant (2) 2:15 9:6 applications (1) 9:3 appreciate (1) 6:8 approval (2) 3:17 9:10 approved (4) 3:9,13 9:16 10:6 Arou (1) 2:6 aspect (1) 4:8 assaulting (1) 5:17 assuming (1) 10:5 August (1) 3:14 authorities (2) 3:16,17 AVENUE (1) 1:22 Ayes (4) 8:24 9:13 12:2 14:7</p> <hr/> <p style="text-align: center;">B</p> <p>Barack (1) 8:7 base (44) 9:2,17 10:11,12,14,17,18 10:20,21,22,23,23,23 11:2,2,4,4 11:4,9,10,10,11,13,13,15,17,18 11:19,19,19,20 12:15,17 13:3,5 13:12,14,20,20 14:14,15,24,25 15:6 based (4) 10:13 12:24 14:18 15:10 bases (8) 9:9,15 12:7,10,11,14 13:6 14:12 basically (1) 14:18</p>	<p>basis (1) 10:9 bathroom (1) 6:25 bear (1) 3:21 Beaver (1) 1:10 behalf (1) 6:6 behind-the-scenes (1) 7:13 believe (1) 5:21 bench (1) 8:12 benefit (4) 4:23 14:16,21 15:7 best (3) 7:7,21 16:13 better (1) 5:21 Bill (2) 6:4,7 Bill's (1) 5:25 billing (1) 12:12 black (5) 10:14 11:3,11,12 12:11 Blasio (1) 5:12 blessed (1) 8:16 blood (1) 16:15 boots (1) 7:14 BOROUGH (1) 1:12 bring (1) 8:12 bringing (1) 4:9 brings (1) 7:25 bullet (1) 10:9 business (3) 6:13 9:22 15:21</p> <hr/> <p style="text-align: center;">C</p> <p>C (2) 16:2,2 car (6) 10:14 11:4,11,12 12:12,18 career (1) 6:16 Carone (1) 2:7 Cassella (3) 1:18 16:7,22 catastrophic (1) 15:4 certain (1) 12:19 certify (2) 16:9,14 Chair (7) 2:5 3:2 8:19,25 9:11,15 15:20 Chairman (1) 6:2 Chan (1) 4:18 change (5) 10:8,8,15,15 11:6 changes (7) 10:4,5 11:24 12:4 13:10,15 14:3 Chief (1) 4:18 Chorus (4) 8:24 9:13 12:2 14:7 Chris (5) 2:14 9:3,6,12,18 Christopher (1) 2:15 City (6) 1:3 3:4,21 4:11 6:19 12:21 City's (1) 4:22 Citywide (1) 7:23 clarification (1) 14:10 clarify (1) 13:3 class (1) 12:10 classes (1) 7:16 clear (1) 13:18</p>	<p>clearer (1) 4:7 clearly (3) 5:16 10:21 11:18 colleague (1) 8:5 collect (1) 12:12 Collectively (1) 3:18 come (1) 8:14 COMM (3) 14:9 15:13,18 comment (1) 12:22 comments (1) 12:24 commission (11) 1:4,11 3:5,8,14 6:17 8:2,20 9:8,24 13:22 Commission's (1) 13:23 Commissioner (2) 8:5,17 Commissioner's (4) 11:25 12:6 13:24 14:2 Commissioners (3) 2:4 9:25 10:6 commitment (1) 4:19 communications (2) 10:24 11:21 commute (1) 3:22 commuter (11) 3:9,12,13,15,20,20 3:23 4:8,9,10 5:15 comply (1) 12:19 concerning (1) 13:16 concerns (1) 14:11 Congratulations (1) 8:17 consequences (1) 5:17 contrary (2) 15:9,16 CONVENED (1) 2:2 correct (1) 15:12 Council (1) 5:25 Counsel (1) 2:14 countless (1) 6:14 COUNTY (1) 16:5 course (1) 6:15 Court (1) 8:9 coverage (2) 14:22 15:3 covered (2) 14:15 15:6 create (1) 4:24 created (1) 14:20 current (1) 3:18 customer (8) 10:17,19,24 11:2,16 11:21,23 12:16</p> <hr/> <p style="text-align: center;">D</p> <p>dangerous (1) 4:13 date (2) 10:3 13:25 David (3) 7:10,12,20 day (2) 6:11 16:19 de (1) 5:12 deadline (1) 12:22 deadly (1) 4:14 DeArcy (4) 2:11 8:5,6,17 death (1) 15:4 deaths (1) 5:6</p>
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